

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Criminal Action No.  
                                )  
                                07-00246-01-CR-W-SOW  
SABINO FRANCISCO-SANTOS, )  
                                )  
                                )  
Defendant.                 )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 5, 2007. Defendant Sabino Francisco-Santos appeared in person and with appointed counsel Hugh O'Donnell. The United States of America appeared by Assistant United States Attorney Roseann Ketchmark.

***I. BACKGROUND***

On July 18, 2007, an indictment was returned charging defendant with unlawful re-entry into the United States after having been deported, in violation of 8 U.S.C. § 1326(a).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Ms. Ketchmark announced that Rick Staples will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Tracy Raggs, ICE.

Mr. O'Donnell announced that he will be the trial counsel for defendant Sabino Francisco-Santos.

**III. OUTSTANDING MOTIONS**

There are no pending motions in this case.

**IV. TRIAL WITNESSES**

Ms. Ketchmark announced that the government intends to call 4 witnesses without stipulations or 2 witnesses with stipulations during the trial.

Mr. O'Donnell announced that defendant Sabino Francisco-Santos intends to call no witnesses during the trial. The defendant will not testify.

**V. TRIAL EXHIBITS**

Ms. Ketchmark announced that the government will offer approximately 6 exhibits in evidence during the trial.

Mr. O'Donnell announced that defendant Sabino Francisco-Santos will offer no exhibits in evidence during the trial.

**VI. DEFENSES**

Mr. O'Donnell announced that defendant Sabino Francisco-Santos will rely on the defense of general denial.

**VII. POSSIBLE DISPOSITION**

Mr. O'Donnell stated this case is probably not for trial.

**VIII. STIPULATIONS**

Stipulations are likely as to deportation and fingerprints.

**IX. TRIAL TIME**

Counsel were in agreement that this case will take one day to try.

## **X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 13, 2007, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 5, 2007;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 12, 2007;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, September 12, 2007. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

## **XI. UNUSUAL QUESTIONS OF LAW**

No motions in limine are anticipated. There are no unusual questions of law.

## **XII. TRIAL SETTING**

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 17, 2007. A **Spanish-speaking interpreter is required.**

/s/ Robert E. Larsen

ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
September 5, 2007

cc: The Honorable Scott O. Wright  
Ms. Roseann Ketchmark  
Mr. Richard Staples  
Mr. Hugh O'Donnell  
Mr. Jeff Burkholder